

To: Commissioner Rodney Ellis, Precinct One
From: Katie Short, Director; Amber Weed, Chief of Staff and Director of Policy; Ramin Naderi, Analyst; Amy Rose, Senior Analyst
CC: Brandon Dudley, Sophie Elsner, Sasha Legette, Erica Carter, and Christopher Browne with Precinct One; Jay Aiyyer, Christy Gilbert, and Tommy Ramsey with the County Attorney's Office; Ender Reed and Tammy Narvaez with Intergovernmental and Global Affairs
Date: July 28, 2021
Re: **MPO Representation Memo**

EXECUTIVE SUMMARY

On May 10, 2021, Precinct One requested that the Harris County Commissioners Court's Analyst's Office (the "Analyst's Office") collaborate with Intergovernmental and Global Affairs (IGA) and the County Attorney's Office (CAO) to examine Metropolitan Planning Organizations (MPOs) and Transportation Policy Councils (TPCs) with respect to 1. representation and MPO authority; 2. laws, regulations, and alternatives; and 3. options for increasing the county's leverage and influence.

Metropolitan Planning Organizations (MPOs) are agencies created by federal law to provide local elected officials input into the planning and implementation of federal transportation funds for metropolitan areas with populations greater than 50,000.¹ MPOs are governed by their policy boards, often referred to as Transportation Policy Councils (TPCs).

The Analyst's Office derived the following key highlights from documents reviewed, interviews conducted with five of Texas' 23 MPOs, and surveys issued to transportation officials from the most populous county and city from each of the five MPOs:

- The City of Houston has three voting members on the Houston-Galveston Area Council's (H-GAC) MPO's Transportation Planning Council, and Harris County, which represents a similar population, has two voting members.
- For the MPOs reviewed for this memo, Bexar County has the greatest percentage (19.0%) of seats on their MPO's policy board for county members; Dallas County has the smallest percentage (4.5%). In contrast, the City of San Antonio has the greatest percentage (28.5%) of seats on their MPO's policy board for city members; the City of Houston has the smallest percentage (10.7%).
- Three out of the five MPOs included in this memo have language in their bylaws that associate a city's population with the number of representatives they receive, either on their policy board or various subcommittees. They are the H-GAC MPO, Capital Area MPO, and the North Central Texas Council of Governments (NCTCOGs) MPO. There is no such language for counties in the MPOs reviewed.
- No MPO in Texas currently employs proportional representation for its policy board. For this memo, proportional representation implies that a jurisdiction's

representation/and or voting power on its policy board is directly related to their population as compared to the overall population of their MPO's area of responsibility.

- There was consensus that intergovernmental relationships between each MPO and their local jurisdictions are primarily maintained through representation on their policy board and various committees.
- None of the five MPOs engaged collect gender or race/ethnicity data regarding the membership of their policy boards.
- Three-fifths of jurisdictions surveyed agreed or strongly agreed that their TPC, and by extension, their MPO meets the overall transportation needs of their jurisdiction.

Specific to Harris County and the H-GAC MPO, an analysis of all projects included in H-GAC MPO's 2017 Ten-Year Plan showed:

- Approximately 46% (224 out of 488) of all projects in the Ten-Year Plan are located within Harris County, though Harris County represents nearly 70% of the population of the MPO.
- Approximately 39% of the total funds of all projects in the Ten-Year Plan fund projects located within Harris County. No other county included in the Ten-Year Plan received a greater percentage of the total project funds than Harris County.

Harris County's Intergovernmental and Global Affairs (IGA) identified options or points of leverage that the County could pursue to increase its influence on the decision-making process of the H-GAC MPO for consideration. IGA recommends engaging with multiple stakeholders to advocate Harris County's interests with the objective of promoting support for the County's interests. Key stakeholders include legislators, transportation community groups, City of Houston, and the business community at large. Additionally, IGA recommends utilizing Harris County's multiple stakeholders to engage, advocate, and leverage its influence in the decision-making process.

The Harris County Attorney's Office (CAO) provided the legal opinion on the state and federal laws governing MPOs to explore potential options for increasing the County's influence on the H-GAC MPO's TPC, as well as potential alternatives to TPC membership that may better serve the County's interests.

According to the County Attorney's Office, the TPC bylaws can be amended only by a two-thirds majority vote. Harris County currently has only 7% of total membership voting compared to the 66% needed to amend. While there is a considerable obstacle to altering the County's representation on the H-GAC MPO's TPC, the County Attorney's Office advises there are few, if any, alternatives that would better serve the County's interests. Withdrawal as a member would deprive the County of an opportunity to participate in decision-making for federal funding since the TPC is authorized by statute to identify projects eligible for federal funds.

Federal code permits the creation of more than one MPO within an existing metropolitan planning area, but only if the Governor and the existing MPO determine that the size and complexity of the existing metropolitan planning area make designation of more than one MPO appropriate. It is unlikely that the Governor and H-GAC would be persuaded that two MPOs in the same metropolitan planning area would be beneficial to the region.

INTRODUCTION

On May 10, 2021, Precinct One requested that the Harris County Commissioners Court's Analyst's Office (the "Analyst's Office") collaborate with Intergovernmental and Global Affairs (IGA) and the County Attorney's Office (CAO) to examine the following topics in regard to Metropolitan Planning Organizations (MPOs) and Transportation Policy Councils (TPCs):

- **"Representation/MPO Authority:** Evaluate the County's representation on the H-GAC Transportation Policy Council in regards to number of voting members and overall population (i.e. how our representation compares to other large TX counties/cities); gender/racial makeup of voting members; what the MPO does; what it does for Harris County; how decisions are made at the MPO; how project dollars/funding flows through the MPO; a breakdown of H-GAC MPO transportation funds by County/City/Zip; the County's relationship with the MPO (i.e. which County entities interact with the MPO and whether the MPO is meeting their transportation needs).
- **Laws/Regulations/Alternatives:** Examine state and federal law governing Metropolitan Planning Organizations (MPOs) to determine potential options for increasing the County's influence on the TPC as well as potential alternatives to TPC membership that may better serve the County's interests.
- **Leverage:** Identify/examine any other options or points of leverage that the County could pursue to increase its influence on the decision-making process of the MPO."

This request builds from a previous request to research Councils of Governments (COGs), and now focuses specifically on Metropolitan Planning Organizations (MPOs) and their policy boards, often referred to as Transportation Policy Councils (TPCs). The Analyst's Office serves as the project lead for this request with the respective departments responsible for the following sections of the memo: representation/MPO authority, the Analyst's Office; laws/regulations/alternatives, the County Attorney's Office; leverage, Intergovernmental and Global Affairs.

This memo includes a background on MPO's governance, decision-making process, responsibilities, boundaries, and funding; a comparative analysis of five MPOs in Texas; and an overview of the distribution of H-GAC MPO's projects from their 2017 Ten-Year plan based on location and cost. The memo also assesses how Harris County's representation on its MPO compares to other jurisdictions' representation. Lastly, the memo summarizes sections regarding laws/regulations/alternatives and leverage, as published by the CAO and IGA, respectively.

METHODOLOGY

The methodology of this memo includes reviews of existing literature, the Code of Federal Regulations (CFR) and Texas State Code for Metropolitan Planning Organizations (MPOs), and MPO bylaws and procedures for selected jurisdictions. Interviews were conducted with key stakeholders.

The Analyst's Office also conducted a survey of transportation officials from the most populous county and city from each of the five MPOs included in the comparative analysis section of this memo. This survey was intended to aid with understanding whether, and how, MPOs are meeting the transportation needs of other large counties and cities in Texas. **Appendix A** provides a copy of the survey instrument.

Key Terms. The following terms and acronyms are commonly used in this paper:

- **Metropolitan Planning Organization (MPO)** is the agency created by federal law to provide local elected officials input into the planning for and implementation of federal transportation funds for metropolitan areas with populations greater than 50,000.²
- **Transportation Policy Council (TPC) or policy board** governs the MPO and makes all policy and funding decisions. A TPC is comprised of various local and transportation officials.
- **Council of Governments (COG)** is a political subdivision of the state developed to “guide unified development of a region, eliminate duplication, and promote regional economies and efficiency.”³ A COG is a separate entity from an MPO.

BACKGROUND

The Federal-Aid Highway Act of 1962 established the federal requirement for urban transportation planning “largely in response to the construction of the Interstate Highway System.”⁴ In 1965, the US Bureau of Public Roads (predecessor to the Federal Highway Administration) mandated the creation of planning agencies by states “that would be capable of carrying out the required planning process,” leading to the formation of Metropolitan Planning Organizations (MPOs).⁵

As stated in federal regulations,ⁱ “an MPO shall be designated for each urbanized area with a population of more than 50,000 individuals, as determined by the Bureau of the Census.”⁶ In addition, “MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75% of the affected population.”⁷

Currently there are 23 MPOs in the state of Texas. MPO boundaries are established by an agreement between the MPO and governor and are reexamined after each Decennial Census is published.⁸ At the time of the publication of this memo, MPOs surveyed were utilizing 2010 Census data.

Table 1 below lists all 23 MPOs in Texas and provides information on their population, major city, designation year, and area in square miles.

ⁱ 23 C.F.R. 450.310

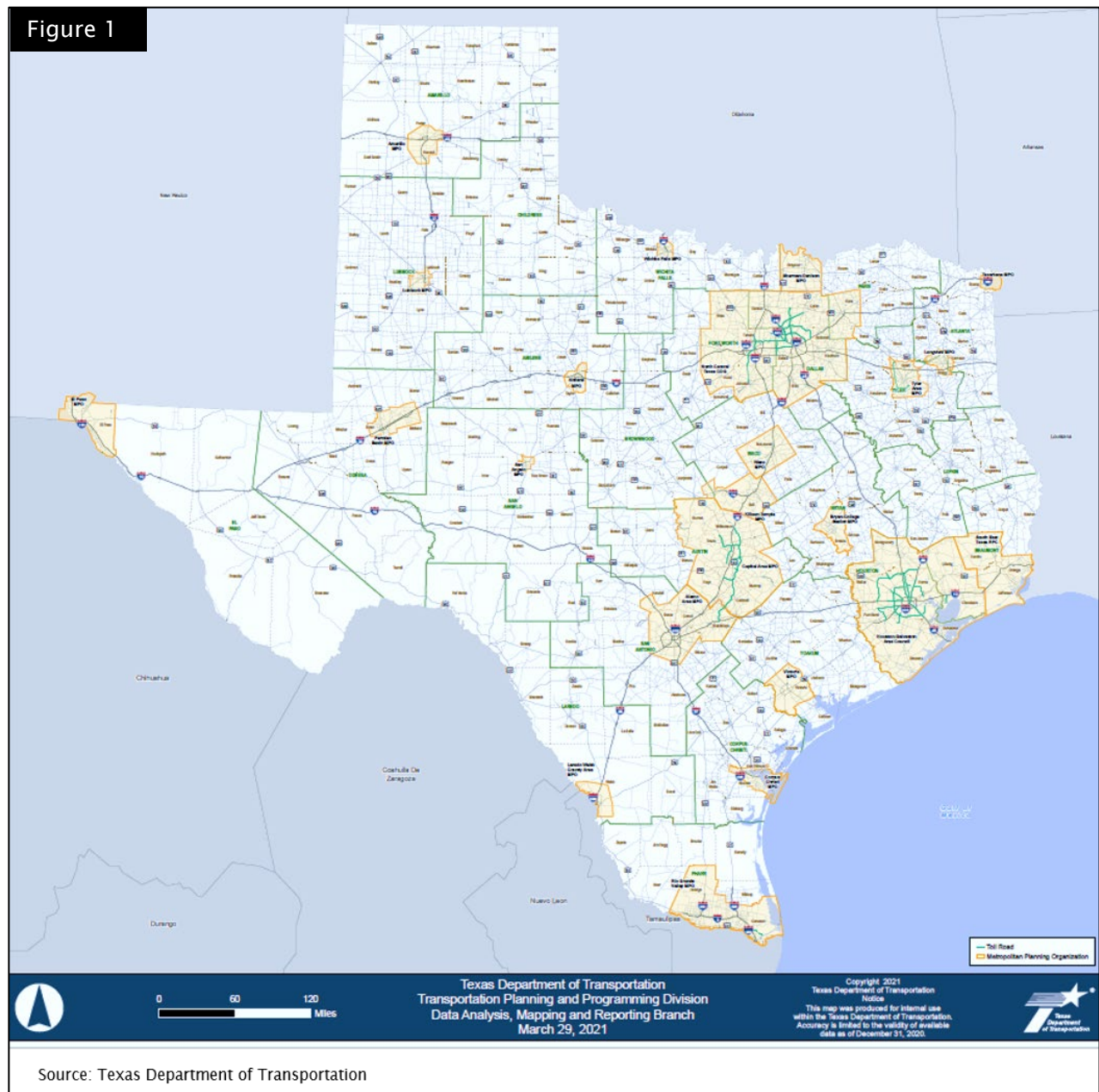
Table 1

Texas Metropolitan Planning Organizations

Metropolitan Planning Organization	Major City	Area (Sq. Miles)	2010 Census Population*	Designation Year
Victoria MPO	Victoria	890	86,793	1982
Texarkana MPO	Texarkana	196	94,278	1975
Sherman-Denison MPO	Sherman	563	95,300	1980
San Angelo MPO (SAMPO)	San Angelo	117	96,897	1964
Wichita Falls MPO	Wichita Falls	167	109,139	1975
Longview MPO	Longview	260	117,298	1975
Abilene MPO	Abilene	286	126,592	1969
Bryan-College Station MPO (BCSMPO)	Bryan	591	194,851	1970
Tyler Area MPO	Tyler	665	199,597	1974
Amarillo MPO	Amarillo	348	216,490	1975
Waco MPO	Waco	1,061	234,906	1974
Laredo Urban Transportation Study (LUTS)	Laredo	421	243,978	1973
Lubbock MPO (LMPO)	Lubbock	236	250,960	1976
Midland-Odessa Transportation Organization (MOTOR)	Midland	528	267,927	2005
Corpus Christi MPO	Corpus Christi	627	328,116	1973
Killeen-Temple Metropolitan Planning Organization (KTMPO)	Belton	1,224	365,892	1975
South East Texas Regional Planning Commission (SETRPC)	Beaumont	2,267	388,746	1970
El Paso MPO	El Paso	1,240	853,190	1973
Rio Grande Valley MPO	Weslaco	2,228	1,156,359	2019
Capital Area MPO (CAMPO)	Austin	5,307	1,759,122	1973
Alamo Area MPO	San Antonio	2,714	1,976,167	1977
Houston-Galveston Area Council (H-GAC)	Houston	8,466	5,892,002	1974
North Central Texas COG (NCTCOG)	Arlington	9,448	6,417,630	1974

*MPO boundaries are reexamined after each Decennial Census is published. At the time of this analysis, MPOs surveyed were utilizing the 2010 Census data.
Source: US Department of Transportation

Figure 1 presents a map showing the geographic location of each of the 23 MPOs in Texas.



Governance. MPOs may operate as stand-alone agencies or be embedded within other agencies, such as cities, counties, or Councils of Governments (COGs).⁹ Of the 23 MPOs in Texas, three operate within a COG: the Houston-Galveston Area Council (H-GAC), the North Central Texas Council of Governments (NCTCOG), and The South East Texas Regional Planning Commission (SETRPC).¹⁰

MPOs are governed by a policy board, often referred to as a Transportation Policy Council (TPC), which create their own bylaws and procedures.”¹¹ The composition of an

MPO's policy board is dictated by the classification of the MPO. There are two classifications of MPOs: Transportation Management Area (TMA) MPO and a non-TMA MPO.¹²

- A **Transportation Management Area (TMA) MPO** is an MPO within an urbanized area with a population over 200,000, as defined by the US Census Bureau and designated by the Secretary of Transportation.
- A **Non-TMA MPO** is an MPO that is established for each urbanized area with a population greater than 50,000 but less than 200,000.

As such, MPO's do not explicitly serve jurisdictions, including counties, but instead focus on transportation planning for their entire designated region.

As stated in federal regulations, "each MPO that serves as a transportation management area (TMA) shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate state transportation officials."ⁱⁱ ¹³ Aside from the above mentioned code, there are no requirements for the composition and structure of an MPO's various committees and staff.¹⁴ As stated in federal regulations, an MPO is the policy board of an organization created to carry out the metropolitan transportation planning process.

Decision-Making Process. As the legal entity of an MPO, the policy board for each MPO makes all final decisions regarding both policy and funding allocations. However, federal regulations provide limited guidance on how the decision-making process should be conducted by the policy board to allow each MPO the flexibility to meet the unique transportation needs of their region. The following are broad federal requirements regarding the decision-making process for an MPO's policy board:

- A TPC will cooperate with both the state and local providers of public transportation when determining what projects to select for their Metropolitan Transportation Plan (MTP).¹⁵
- A TPC will demonstrate explicit consideration and response to public input received during the development of the MTP and Transportation Improvement Program (TIP).¹⁶
- A TPC will seek out and consider the needs of those traditionally underserved by existing transportation systems, such as minority and low-income households.¹⁷

Intergovernmental Relations. While federal regulations stipulate that MPOs must consult with agencies and officials responsible for planning activities that are affected by transportation in their metropolitan transportation area, there is no language specifically mandating how MPOs interact with the jurisdictions they serve.ⁱⁱⁱ ¹⁸

Responsibilities. MPOs facilitate transportation planning for their entire designated region. The key responsibilities of MPOs are set forth in federal regulations and state "that the MPO designated for each urbanized area is to carry out a continuing,

ⁱ 23 C.F.R. 450.310

ⁱⁱⁱ 23 C.F.R. 450.316

cooperative, and comprehensive performance-based multimodal transportation process,” commonly referred to as the 3-C planning process.^{iv 19}

MPOs primarily interact with counties through membership on their policy boards as well as other committees, which may vary depending on each MPO’s specific bylaws. These bylaws may also stipulate which county entities interact with the MPO and can vary. Examples may include, but are not limited to, elected county officials, county transportation departments, metropolitan transit authorities, and airports.

According to the Federal Highway Administration, members of an MPO’s policy board perform six core functions:

1. Establish a setting for effective decision-making;
2. Identify and evaluate transportation improvement options;
3. Prepare and maintain a Metropolitan Transportation Plan;
4. Develop a Transportation Improvement Program;
5. Identify performance measure targets and monitor whether implemented projects are achieving targets; and
6. Involve the public.²⁰

There are three primary transportation planning documents which each MPO is required to produce. These requirements are stated in 23 C.F.R. 450 and expanded upon in Texas Administrative Code Title 43, Chapter 16. Specifically:

- **Metropolitan Transportation Plan (MTP)** is a long-term transportation planning document that covers a planning horizon of at least 20 years and includes both long-range and short-range strategies/actions that lead to the development of an integrated transportation system that facilitates the efficient movement of people and freight. The MTP is a financially constrained document and must identify its funding assumptions.²¹ Under federal regulations, MPOs are required to cooperate with both state and local providers of public transportation in order to create MTPs. MPOs are responsible for approving the MTP.
- **Transportation Improvement Program (TIP)** is a four-year transportation planning document with priority transportation improvements taken directly from the MTP. The TIP represents the immediate priorities to achieve the MPO’s goals and associated performance targets.²² The TIP must be approved by both the MPO and governor.
- **Unified Planning Work Program (UPWP)** is an annual or biennial statement of work that outlines and documents the transportation-related planning activities for the MPO.²³ The UPWP at a minimum includes a “description of the work planned and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.”²⁴

Federal law also stipulates that MPOs must involve the public and interested parties in the planning process.²⁵ Specifically, MPOs must:

- Develop a public participation plan in consultation with all interested parties;
- Provide reasonable opportunity for the public to review and comment on the proposed MTP and TIP;
- Demonstrate explicit consideration and response to public input received during the development of the MTP and TIP; and

^{iv} 23 C.F.R. 450.300

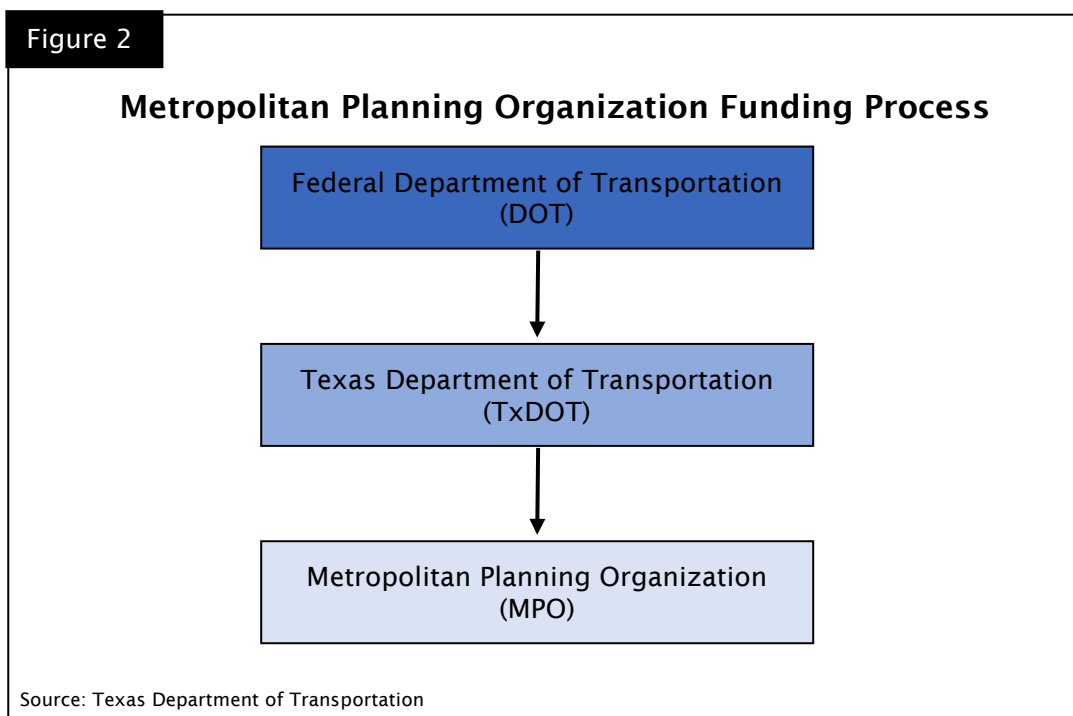
- Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as minority and low-income households.²⁶

For a visual representation of the major MPO planning documents and associated timeframes, see **Appendix B**.

Boundaries. Federal regulations require boundaries for MPOs to be established between an agreement with the MPO and governor, and they will be reviewed by the MPOs, in coordination with state and public transportation officials after each Census to confirm they meet the statutory requirements. At a minimum, the boundaries must encompass the entire existing urban areas plus the contiguous areas expected to become urbanized within a 20-year forecast. Boundaries cannot overlap with one another, but a single boundary can encompass more than one urbanized area.²⁷

Funding. MPOs are funded through federal, state, and local dollars. Federal transportation planning funds are generally allocated directly to state Departments of Transportation (DOT) based on a federal formula. DOTs then allocate federal funds to MPOs, which is illustrated in **Figure 2**.

MPOs may also receive state and local governmental funding from “matching grants, employee salaries and benefits, contract oversight, information technology services, and more.”²⁸ In some instances, MPOs may receive funding directly from the Federal Highway Administration (FHWA) through project-specific calls for funding.²⁹ For a comprehensive breakdown of MPO funding, see **Appendix C**.



Federal transportation funds are allocated to states annually.³⁰ Federal funds allocated to MPOs may not be sub-allocated to jurisdictions; they are strictly intended for MPO-approved projects.^v

In Texas, the Texas Department of Transportation (TxDOT) allocates federal funds to MPOs based on the Department's Unified Transportation Program (UTP). The UTP is TxDOT's ten-year plan that guides the development of transportation work across the state and authorizes the distribution of funds.³¹ The UTP is organized into 12 funding categories.^{vi} MPOs receive funding through four of these 12 categories:³²

- **Metro and Urban Corridors:** Projects selected by MPOs in consultation with TxDOT. Formula distribution used for funding allocation.
- **Congestion Mitigation and Air Quality:** Projects selected by MPOs in consultation with TxDOT. Formula distribution used for funding allocation.
- **Metropolitan Mobility:** Projects selected by MPOs operating in transportation management areas in consultation with TxDOT. Formula distribution used for funding allocation.
- **Transportation Alternatives:** Formula distribution partially used for funding allocation.

COMPARATIVE ANALYSIS

To evaluate Harris County's representation within its MPO, this section provides a summary review of member representation, decision-making processes, and intergovernmental relationships of five MPOs in Texas and their respective metropolitan counties and major cities. The Analyst's Office's *Analysis of Withdrawing from the Houston-Galveston Area Council* memo analyzed Councils of Governments (COGs) representing the following five counties: Harris County, Bexar County, Travis County, Dallas County, and El Paso County. To complement the research in that memo, this memo analyzes MPOs that represent the same five counties. Specifically:

- Houston-Galveston Area Council (H-GAC) MPO (Harris County, City of Houston)
- Alamo Area MPO (Bexar County, City of San Antonio)
- Capital Area MPO (Travis County, City of Austin)
- North Central Texas COG MPO (Dallas County, City of Dallas)
- El Paso MPO (El Paso County, City of El Paso)

The Analyst's Office derived the following key highlights from documents reviewed, interviews conducted, and surveys issued:

- The City of Houston has three voting members on H-GAC's MPO's Transportation Planning Council, and Harris County, which represents a similar population, has two voting members.
- Bexar County has the greatest percentage (19.0%) of seats on their MPO's policy board for county members; Dallas County has the smallest percentage (4.5%). In contrast, the City of San Antonio has the greatest percentage (28.5%) of seats on

^v 23 C.F.R. 450.326 Paragraph M

^{vi} The 12 UTP funding categories are: 1. Preventive Maintenance; 2. Metro and Urban Corridors; 3. Non-Traditional Funds; 4. Statewide Connectivity Regional; Category 5. Congestion Mitigation and Air Quality; 6. Bridge; 7. Metro Mobility; 8. Safety; 9. Transportation Alternatives; 10. Supplemental Transportation; 11. District Discretionary; and 12. Strategic Priority.

their MPO's policy board for city members; the City of Houston has the smallest percentage (10.7%).

- Three out of the five MPOs have language in their bylaws that associate a city's population with the number of representatives they receive, either on their policy board or various subcommittees. They are the H-GAC MPO, Capital Area MPO, and the NCTCOG MPO.
- No MPO in Texas currently employs proportional representation for its policy board. For this memo, proportional representation implies that a jurisdiction's representation/and or voting power on its policy board is directly related to their population as compared to the overall population of their MPO's area of responsibility.
- There was consensus that intergovernmental relationships between each MPO and their local jurisdictions are primarily maintained through representation on their policy board and various committees.
- None of the five MPOs engaged collect gender or race/ethnicity data regarding the membership of their policy boards.
- Three-fifths of jurisdictions surveyed agreed or strongly agreed that their TPC, and by extension, their MPO meets the overall transportation needs of their jurisdiction.

Table 2 presents key information on the five metropolitan counties and their major city in relation to their MPO regarding population, representation on their policy board, and intergovernmental relationships.

Table 2

Comparison of Texas MPO Characteristics

		Population			Representation on MPO Policy Board		Intergovernmental Relationship	
MPO + Major County/City		MPO Pop (2010)	Jurisdiction Pop (2010)	% of Overall MPO Pop*	Total Number of Voting Seats Allocated to Counties/Cities	Number of Voting Seats (Jurisdiction of Interest)	Number of Transportation Related Committees in MPO	MPO Meets the Overall Transportation Needs of Jurisdiction
H-GAC	Harris County	5,892,002	4,092,459	69.5%	9	2/28 (7.1%)	4	Disagree
	City of Houston		2,099,451	35.6%	12	3/28 (10.7%)		Strongly Disagree
ALAMO AREA	Bexar County	1,976,167	1,714,773	86.7%	7	4/21 (19.0%)	3	Strongly Agree
	City of San Antonio		1,327,407	67.2%	10	6/21 (28.5%)		Strongly Agree
CAPITAL AREA	Travis County	1,759,122	1,024,266	58.2%	9	4/22 (18.1%)	1	Disagree
	City of Austin		790,390	44.9%	11	4/22 (18.1%)		Neither Agree nor Disagree
NCTCOG	Dallas County	6,417,630	2,368,139	36.9%	10	2/44 (4.5%)	6	Agree
	City of Dallas		1,197,816	18.7%	27	6/44** (13.6%)		Strongly Agree
EL PASO	El Paso County	853,190	800,647	93.8%	3	2/30 (6.6%)	1	Agree
	City of El Paso		649,121	76.1%	14	6/30 (20.0%)		Agree

* City population is subsumed within county population.

**The City of Dallas is represented in the City of Dallas/Highland Park/University Park cluster of cities – figure is not unique to City of Dallas.

HOUSTON-GALVESTON AREA COUNCIL (H-GAC) MPO

Designated in 1974, the Houston-Galveston Area Council (H-GAC) MPO's geographic area of coverage is located within the southeastern portion of the state and represents the following counties: Harris, Montgomery, Liberty, Chambers, Galveston, Brazoria, Fort Bend, and Waller.³³

This analysis focuses specifically on Harris County and the City of Houston, as they relate to the H-GAC MPO. The H-GAC MPO serves approximately 5.8 million Texas residents, second only in population to the North Central Texas COG MPO, which has 6.4 million residents.³⁴

Representation. The governing body for the H-GAC MPO, the Transportation Policy Council (TPC), is composed of 28 voting members. These members represent cities, counties, the Texas Department of Transportation (TxDOT), the Metropolitan Transit Authority of Harris County (METRO), one at-large member appointed by the H-GAC Board of Directors representing cities with a population greater than 50,000, one at-large member representing other transportation interests, and one member representing the Gulf Coast Rail District.³⁵

The H-GAC MPO does not collect gender or race/ethnicity data regarding the membership of their TPC.³⁶

Harris County, including the City of Houston, comprises 69.5% (4,092,459) of the overall population of H-GAC MPO's total population (5,892,002).^{37 38} Entities located within Harris County with representation on the TPC include Harris County, the City of Houston, and the Transit Authority of Harris County Metro (METRO). If these entities were to vote in unison, they would comprise 21.4% (six out of 28) of the voting members of the TPC.³⁹ Specifically:

Harris County. According to the TPC bylaws, one representative and one alternate is allowed from each member county, except Harris County, which receives two representatives and two alternatives. In total, nine of the 28 voting TPC members represent counties.⁴⁰

Harris County comprises 7.1% (two out of 28) of the voting members of the Transportation Policy Council.

City of Houston. According to the TPC bylaws, one representative and one alternate is allowed from each member city, except Houston, which receives three representatives and three alternatives. In total, 12 of the 28 voting members represent cities.⁴¹

In addition, the TPC bylaws stipulate that "cities not otherwise having designated voting membership but having a population of 50,000 according to the official decennial census shall have voting membership on the TPC effective after the decennial census has been published."⁴²

The City of Houston comprises 10.7% (three out of 28) of the voting members of the Transportation Policy Council.

Decision-Making Process. According to the TPC bylaws, “fifty-one percent (51%) of the total voting membership of the TPC shall constitute a quorum for the transaction of business at all meetings.” Issues taken into consideration are passed by a simple majority (51%) vote. However, amendments to the bylaws require a two-thirds (66%) majority vote of the TPC members. Proposed amendments must be provided in writing and to each member 14 days in advance of the meeting when the action is to be taken.⁴³

In an interview, the director of the H-GAC MPO noted that the decision-making process for which transportation projects are selected by their TPC occurs “organically,” meaning there are no formal processes or procedures for determining which projects are selected.⁴⁴ Factors in the project selection decision-making process include, but are not limited to, the following: federal requirements, input from state and local transportation partners, public feedback, statistical transportation forecasting, creation of evaluation criteria, and any transportation needs unique to their respective region.

Intergovernmental Relations. H-GAC MPO notes that it primarily maintains its relationship with Harris County and the City of Houston through member representation from both jurisdictions on its TPC and various committees.⁴⁵

The H-GAC MPO has four committees, each with varying representation from Harris County and the City of Houston. Specifically:

- **Transportation Advisory Committee:** Membership consists of up to 44 members. Bylaws stipulate that cities with a population of 50,000 or more are each allocated one representative as is each member county. Harris County and the City of Houston each have one representative.⁴⁶
- **Regional Air Quality Planning Advisory Committee:** Membership consists of up to 27 members. Counties are allocated representatives. Harris County has one representative. Bylaws do not include a specific representation category for cities.⁴⁷
- **Transportation Safety Committee:** Membership consists of up to 23 members. Bylaws include a representation category for “Public Transit, State, City, County Engineering & Planning” with an allocation for eight representatives. Harris County has one representative, and the City of Houston has three representatives.⁴⁸
- **Greater Houston Freight Committee:** Bylaws do not state a minimum or maximum number of members or specific representation requirements for cities or counties.⁴⁹

The Analyst’s Office surveyed transportation officials from Harris County and the City of Houston to gauge their relationship with H-GAC. **Table 3** below summarizes their responses.

Table 3 Harris County and City of Houston Survey Responses ^{vii}	
Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.	
Harris County	Agree
City of Houston	Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.	
Harris County	Disagree
City of Houston	Disagree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.	
Harris County	Disagree
City of Houston	Disagree
Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.	
Harris County	Disagree
City of Houston	Strongly Disagree
Your TPC, and by extension, the MPO, meets the needs of its different members equitably.	
Harris County	Strongly Disagree
City of Houston	Strongly Disagree

Project Location and Funding.^{viii} This section provides an overview of the overall distribution of the H-GAC MPO's transportation projects and a breakdown of local transportation projects based both on location and cost, specifically for the H-GAC MPO. State law requires MPOs and TxDOT districts to develop a ten-year plan that outlines upcoming transportation projects along with their funding sources for the next decade.^{ix} The location of projects included in the Ten-Year Plan are categorized by county—not by city or zip. **Table 4** provides an analysis of all projects included in H-GAC MPO's 2017 Ten-Year Plan.

H-GAC notes that projects included in the Ten-Year Plan are consistent with H-GAC MPO's Transportation Improvement Program (TIP) and Long-Range Transportation Plan (LTRP) documents and include funding committed.⁵⁰ Projects are divided into ten

^{vii} Respondents: City of Houston – David Fields, Chief Transportation Planner (6/15/21); Harris County – John Blount, County Engineer (6/15/21).

^{viii} Project location and funding information is only provided for H-GAC, per Precinct One's request.

^{ix} The requirement that MPOs and TxDOT develop a ten-year plan to be provided to the state was implemented with the passage of House Bill 20 during the 84th session of the Texas Legislature.

categories: corridor-based major investments, air quality-related, freight, Intelligent Transportation Systems (ITS)/safety, local high capacity transit, other major roadway improvements, pedestrian/bicycle, thoroughfare development, transit capital, and transit other. Of the ten project classification categories included, air quality-related is the only one in which all projects are considered to be in “multiple counties,” and therefore, Harris County-specific projects cannot be uniquely identified.

Key highlights of H-GAC MPO’s 2017 Ten-Year Plan include:

- Approximately 46% (224 out of 488) of all projects included in H-GAC MPO’s Ten-Year Plan are located within Harris County.
- Approximately 39% of the total funds of all projects in the Ten-Year Plan fund projects located within Harris County. No other county included in the Ten-Year Plan received a greater percentage of the total project funds than Harris County.
- For the largest category by cost, Corridor-Based Major Investments, approximately 30% of all projects are located within Harris County and represent approximately 30% of the total cost for all projects in that category.
- In three categories—Freight, Local High Capacity Transit, and Transit Capital—over 75% of projects are located within Harris County.

Table 4

Overview of Projects in H-GAC MPO’s 2017 Ten-Year Plan, by Project Category

	Total Number of Projects	Number of Projects Located in Harris County	% of Total Projects Located in Harris County	Total Cost (Millions)	Value for Harris County (Millions)	% of Total Cost Allocated to Harris County
Corridor-Based Major Investments*	91	27	30%	\$8,528.37	\$2,491.90	29%
Air Quality Related*	24	N/A	N/A	\$69.60	N/A	N/A
Freight	15	12	80%	\$426.18	\$389.88	91%
ITS/Safety*	37	14	38%	\$300.81	\$143.56	48%
Local High Capacity Transit	15	13	87%	\$379.38	\$376.38	99%
Other Major Roadway Improvements	37	18	49%	\$1,585.49	\$728.43	46%
Pedestrian/Bicycle*	53	25	47%	\$237.50	\$113.65	48%
Thoroughfare Development*	72	20	28%	\$1,673.79	\$347.74	21%
Transit Capital	104	82	79%	\$1,025.81	\$911.64	89%
Transit Other	40	13	33%	\$77.95	\$53.94	69%
Ten-Year Plan Total	488	224	46%	\$14,304.85	\$5,557.12	39%

Note: *Indicates that all or some of the projects in these categories are dictated to multiple counties.

Source: Analyst’s Office analysis of The Houston-Galveston Council of Governments 2017 Ten-Year Plan

ALAMO AREA MPO

Designated in 1977, the Alamo Area MPO's geographic area of coverage is located within the south-central portion of the state and represents the following counties: Bexar, Comal, Guadalupe, and a portion of Kendall County.⁵¹ This analysis focuses specifically on Bexar County and the City of San Antonio, as they relate to the Alamo Area MPO. The Alamo Area MPO serves approximately 1.9 million Texas residents.⁵²

Representation. The governing body for the Alamo Area MPO, the Transportation Policy Board, is composed of 21 voting members. These members represent cities, counties, the Texas Department of Transportation (TxDOT), the Metropolitan Transit Authority, the Advanced Transportation District, the Alamo Regional Mobility Authority, the Greater Bexar County Council of Cities, and the Northeast Partnership of Cities.⁵³

The Alamo Area MPO does not collect gender or race/ethnicity data regarding the membership of their Transportation Policy Board.⁵⁴

Bexar County, including the City of San Antonio, comprises 86.7% (1,714,773) of the overall population of the Alamo Area MPO's total population (1,976,167).⁵⁵ ⁵⁶ Entities located within Bexar County with representation on the Transportation Policy Board include Bexar County, the City of San Antonio, the Metropolitan Transit Authority, and the Alamo Regional Mobility Authority. If these entities were to vote in unison, they would comprise 57.1% (12 out of 21) of the voting members of the Transportation Policy Board. Specifically:

Bexar County. According to the Transportation Policy Board bylaws, Comal, Guadalupe, and the Kendall County Geographic Area each receive one representative. Bexar County receives four representatives, three of which are elected officials and one who is appointed. In total, seven of the 21 voting Transportation Policy Board members represent counties.⁵⁷

Bexar County comprises 19.0% (four out of 21) of the voting members of the Transportation Policy Board.

City of San Antonio. According to the Transportation Policy Board bylaws, one representative is allowed from each member city, including the Greater Bexar County Council of Cities and the Northeast Partnership of Cities. The City of San Antonio receives six representatives, four of which are elected officials and two who are appointed. In total, 10 of the 21 voting members represent cities.⁵⁸

The City of San Antonio comprises 28.5% (six out of 21) of the voting members of the Transportation Policy Board.

Decision-Making Process. According to the Transportation Policy Board bylaws, "a quorum of meetings will consist of 50 percent plus one or greater of the voting members or designated alternates of the Transportation Policy Board." Issues taken into consideration are passed by a simple majority (51%) vote. However, amendments to the bylaws require a two-thirds (66%) majority vote of the Transportation Policy

Board members. Proposed amendments must be provided in writing and to each member 10 days in advance of the meeting where the action is to be taken.⁵⁹

In an interview, the director of the Alamo Area MPO confirmed that the decision-making process for which transportation projects are selected by their Transportation Policy Board occurs “organically.”⁶⁰ Factors in this process include, but are not limited to, the following: federal requirements, input from state and local transportation partners, public feedback, statistical transportation forecasting, creation of evaluation criteria, and any transportation needs unique to their respective region.

Intergovernmental Relations. The Alamo Area MPO notes that it primarily maintains its relationship with Bexar County and the City of San Antonio through member representation from both jurisdictions on its policy board and various committees.⁶¹

The Alamo Area MPO has three committees, each with varying representation from Bexar County and the City of San Antonio. Specifically:

- **Technical Advisory Committee:** Bylaws stipulate a total of 20 voting members. County members are each allocated one representative as are city, and council of cities, members. The only exception is the City of San Antonio, which receives three representatives. Bexar County has one representative.⁶²
- **Bicycle Mobility Advisory Committee:** Membership consists of up to 25 voting members. Bylaws do not include specific representation categories for city and county members. However, Bexar County Public Works is allocated one representative. The City of San Antonio is allocated three representatives total, which are divided into three subcategories: Sustainable Transportation Manager, Transportation and Capital Improvements, and Parks and Greenways.⁶³
- **Pedestrian Mobility Advisory Committee:** Bylaws stipulate a total of 16 voting members. Bylaws do not include specific representation categories for city and county members. However, Bexar County Public Works is allocated one representative. The City of San Antonio is allocated four representatives.⁶⁴

The Analyst’s Office surveyed transportation officials from the Alamo Regional Mobility Authority (Bexar County) and the City of San Antonio to gauge their relationship with the Alamo Area MPO. **Table 5** summarizes their responses.

Table 5 Bexar County and City of San Antonio Survey Responses*	
Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.	
Bexar County	Agree
City of San Antonio	Strongly Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.	
Bexar County	Agree
City of San Antonio	Strongly Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.	
Bexar County	Strongly Agree
City of San Antonio	Strongly Agree
Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.	
Bexar County	Strongly Agree
City of San Antonio	Strongly Agree
Your TPC, and by extension, the MPO, meets the needs of its different members equitably.	
Bexar County	Strongly Agree
City of San Antonio	Neither Agree nor Disagree

CAPITAL AREA MPO

Designated in 1973, the Capital Area MPO's geographic area of coverage is located within the central portion of the state and represents the following counties: Bastrop, Burnet, Caldwell, Hays, Travis, and Williamson.⁶⁵ This analysis focuses specifically on Travis County and the City of Austin, as they relate to the Capital Area MPO. The Capital Area MPO serves approximately 1.7 million Texas residents.⁶⁶

Representation. The governing body for the Capital Area MPO, the Transportation Policy Board, is composed of 22 voting members. These members represent cities, counties, the Texas Department of Transportation (TxDOT), and the Capital Area Metropolitan Transportation Authority.⁶⁷

The Capital Area MPO does not collect gender or race/ethnicity data regarding the membership of their Transportation Policy Board.⁶⁸

* Respondents: City of San Antonio – Tomika Monterville, Director, Department of Transportation (6/14/21); Bexar County – Renee Green, Director, Public Works/County Engineer (7/8/21)

Travis County, including the City of Austin, comprises 58.2% (1,024,266) of the overall population of the Capital Area MPO's total population (1,759,122).^{69 70} Entities located within Travis County with representation on the Transportation Policy Board include Travis County, the City of Austin, and the Capital Area Metropolitan Transportation Authority. If these entities were to vote in unison, they would comprise 40.9% (nine out of 22) of the voting members of the Transportation Policy Board. Specifically:

Travis County. According to the Capital Area MPO Joint Powers Agreement, one representative is allowed from each member county on the Transportation Policy Board, except Travis County, which receives four representatives, three of which are elected officials and one who is appointed. In total, nine of the 22 voting Transportation Policy Board members represent counties.⁷¹

Travis County comprises 18.1% (four out of 22) of the voting members of the Transportation Policy Board.

City of Austin. According to the Capital Area MPO Joint Powers Agreement, one representative is allowed from each member city on the Transportation Policy Board, except Austin, which receives four representatives. In total, 11 of the 22 voting members represent cities.⁷²

In addition, the Joint Powers Agreement stipulates that “once a Capital Area MPO member city reaches a population of 50,000 persons or more, as determined by the US Census Bureau in its most recent annual population estimate, a City Council Member from that city shall be added to the Transportation Policy Board.”⁷³

The City of Austin comprises 18.1% (four out of 22) of the voting members of the Transportation Policy Board.

Decision-Making Process. According to the Transportation Policy Board bylaws, “fifty percent (50%) of the total members or their alternate shall constitute a quorum of members for transaction of business at all meetings.” Issues taken into consideration are passed by a simple majority (51%) vote. This also applies to any revisions proposed to be made to the bylaws.⁷⁴

In an interview, the director of the Capital Area MPO confirmed that the decision-making process for which transportation projects are selected by their Transportation Policy Board occurs “organically.”⁷⁵ Factors in this process include, but are not limited to, the following: federal requirements, input from state and local transportation partners, public feedback, statistical transportation forecasting, creation of evaluation criteria, and any transportation needs unique to their respective region.

Intergovernmental Relations. The Capital Area MPO notes that it primarily maintains its relationship with Travis County and the City of Austin through member representation from both jurisdictions on its policy board and various committees.⁷⁶

The Capital Area MPO has one committee, with representation from Travis County and the City of Austin as follows:

- **Technical Advisory Committee:** Membership consists of up to 24 members. Bylaws stipulate that cities with a population of 50,000 or more are each allocated one representative, while cities with a population of more than 500,000 are allocated three representatives. Therefore, the City of Austin receives three representatives. Counties are each allocated one representative; therefore, Travis County receives one representative.⁷⁷

The Analyst's Office surveyed transportation officials from Travis County and the City of Austin to gauge their relationship with the Capital Area MPO. **Table 6** summarizes their responses.

Table 6 Travis County and City of Austin Survey Responses ^{xi}	
Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.	
Travis County	Agree
City of Austin	Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.	
Travis County	Disagree
City of Austin	Neither Agree nor Disagree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.	
Travis County	Agree
City of Austin	Neither Agree nor Disagree
Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.	
Travis County	Disagree
City of Austin	Neither Agree nor Disagree
Your TPC, and by extension, the MPO, meets the needs of its different members equitably.	
Travis County	Disagree
City of Austin	Neither Agree nor Disagree

^{xi} Respondents: City of Austin – Cole Kitten, Division Manager, City of Austin Transportation (7/7/21); Travis County – Scheleen Walker, Long Range Planning Manager, Travis County Department of Transportation and Natural Resources (7/15/21)

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) MPO

Designated in 1974, the NCTCOG MPO's geographic area of coverage is located in the northeastern portion of the state and represents the following counties: Wise, Denton, Collin, Hunt, Parker, Tarrant, Dallas, Rockwall, Kaufman, Hood, Johnson, and Ellis.⁷⁸ This analysis focuses specifically on Dallas County and the City of Dallas, as they relate to the NCTCOG MPO. The NCTCOG MPO is the largest in the state in terms of both its geographic area and number of residents served; approximately 6.4 million Texas residents.⁷⁹

Representation. The governing body for the NCTCOG MPO, the Regional Transportation Council, is composed of a maximum of 44 voting members. These members represent cities, counties, the Texas Department of Transportation (TxDOT), Dallas Area Rapid Transit, Fort Worth Transportation Authority, Denton County Transportation Authority, North Texas Tollway Authority, and the Dallas Fort Worth International Airport.⁸⁰

The NCTCOG MPO does not collect gender or race/ethnicity data regarding the membership of their Regional Transportation Council.⁸¹

Dallas County, including the City of Dallas, comprises 36.9% (2,368,139) of the overall population of the NCTCOG MPO's total population (6,417,630).^{82 83} Entities located within Dallas County with representation on the Regional Transportation Council include Dallas County, the City of Dallas cluster (which includes Highland Park and University Park), and the Dallas Area Rapid Transit. If these entities were to vote in unison, they would comprise 20.4% (nine out of 44) of the voting members of the Regional Transportation Board. Specifically:

Dallas County. According to the Regional Transportation Council bylaws, Dallas County and Tarrant County are the only two counties that both receive two representatives. All other counties, whether represented individually or by a cluster, each receive one representative on the Regional Transportation Council. In total, ten of the maximum 44 voting Regional Transportation Council members represent counties.⁸⁴

Dallas County comprises 4.5% (two out of 44) of the voting members of the Regional Transportation Council.

City of Dallas. According to the Regional Transportation Council bylaws, one representative is allowed from each member city, or as a representative of a cluster of cities. The following are the only exceptions: City of Arlington receives two representatives, City of Fort Worth receives three representatives, and the Dallas/Highland Park/University Park cluster of cities receives six representatives. The bylaws stipulate that the maximum number of seats for individual and cluster cities is 27 out of the maximum 44 voting members.⁸⁵

The City of Dallas/Highland Park/University Park cluster of cities comprises 13.6% (six out of 44) of the voting members of the Regional Transportation Council. Because NCTCOG MPO clusters certain cities, the voting membership of the City of Dallas is not able to be isolated.

Decision-Making Process. According to the Regional Transportation Council bylaws, “at least fifty (50) percent of the appointed members must be present at meetings of the Regional Transportation Council to take action.” Issues taken into consideration are passed by a simple majority (51%) vote. However, revisions to the bylaws require a two-thirds majority vote of the Regional Transportation Board members. Proposed amendments must be presented at one regularly scheduled meeting and voted on at a following regularly scheduled meeting. Bylaw changes will not be made unless presented at a previous meeting.⁸⁶

In an interview, the director of the NCTCOG MPO confirmed that the decision-making process for which transportation projects are selected by their Regional Transportation Council occurs “organically.”⁸⁷ Factors in this process include, but are not limited to, the following: federal requirements, input from state and local transportation partners, public feedback, statistical transportation forecasting, creation of evaluation criteria, and any transportation needs unique to their respective region.

Intergovernmental Relations. The NCTCOG MPO notes that it primarily maintains its relationship with Dallas County and the City of Dallas through member representation from both jurisdictions on its policy board and various committees.⁸⁸ The NCTCOG MPO has six committees, each with varying representation from Dallas County and the City of Dallas. It should be noted that of these six committees, only three have stated bylaws or operating procedures. According to the NCTCOG MPO, all other committees are open to interested parties and do not have specific rules designating their membership composition.⁸⁹ Specifically:

- **Surface Transportation Technical Committee:** Consists of approximately 80 members.⁹⁰ Bylaws stipulate the following representation for cities:
 - Each city within the Metropolitan Area with a combined population and employment greater than 1,500,000 receives five representatives.
 - Each city within the Metropolitan Area with a combined population and employment greater than 1,000,000 and less than or equal to 1,500,000 receives four representatives.
 - Each city within the Metropolitan Area with a combined population and employment greater than 500,000 and less than or equal to 1,000,000 receives three representatives.
 - Each city within the Metropolitan Area with a combined population and employment greater than 200,000 and less than or equal to 500,000 receives two representatives.
 - Each city within the Metropolitan Area with a combined population and employment greater than 40,000 and less than or equal to 200,000 receives one representative.
 - As such, the City of Dallas receives five representatives. Both Tarrant and Dallas Counties are allocated two representatives each, while all other counties are allocated one representative.⁹¹
- **Air Quality Technical Committee:** No stated bylaws.
- **Air Transportation Advisory Committee:** Bylaws stipulate that members are selected on an as-needed basis. Voting members shall be technical or staff

- level, not elected officials, within the 16-county NCTCOG planning boundaries.⁹²
- **Bicycle and Pedestrian Advisory Committee:** No stated bylaws.
 - **Regional Freight Advisory Committee:** No stated bylaws.
 - **Regional Safety Advisory Committee:** Membership at a minimum must have five members. Bylaws stipulate that at least 51% of the committee's membership should be Surface Transportation Technical Committee-affiliated or other public sector agencies.⁹³

The Analyst's Office surveyed transportation officials from Dallas County and the City of Dallas to gauge their relationship with the NCTCOG MPO. **Table 7** summarizes their responses.

Table 7 Dallas County and City of Dallas Survey Responses ^{xii}	
Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.	
Dallas County	Agree
City of Dallas	Strongly Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.	
Dallas County	Agree
City of Dallas	Strongly Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.	
Dallas County	Agree
City of Dallas	Strongly Agree
Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.	
Dallas County	Agree
City of Dallas	Strongly Agree
Your TPC, and by extension, the MPO, meets the needs of its different members equitably.	
Dallas County	Agree
City of Dallas	Strongly Agree

^{xii} Respondents: City of Dallas – Ghassan Khankarli, Director, Department of Transportation (6/11/21); Dallas County – Tushar Solanki, Head of Dallas County Transportation/Planning Division (6/19/21)

EL PASO MPO

Designated in 1973, the El Paso MPO's geographic area of coverage is located in the western most portion of the state and represents the following counties: El Paso County, TX and Dona Ana County, NM.⁹⁴ This analysis focuses specifically on El Paso County and the City of El Paso, as they relate to the El Paso MPO. The El Paso MPO serves approximately 853,000 Texas residents.⁹⁵

Representation. The governing body for the El Paso MPO, the Transportation Policy Board, is composed of 30 voting members and is unique in that it includes officials from both Texas and New Mexico. These members represent cities, counties, the El Paso International Airport, the El Paso County Transit Agency or County-wide Mass Transit Authority, the Sun/Metro Mass Transit Department, both the Texas and New Mexico Departments of Transportation, and elected state representatives.⁹⁶

The El Paso MPO does not collect gender or race/ethnicity data regarding the membership of their Transportation Policy Board.⁹⁷

El Paso County, including the City of El Paso, comprises 93.8% (800,647) of the overall population of the El Paso MPO's total population (853,190).^{98 99} Entities located within El Paso County with representation on the Transportation Policy Board include El Paso County, the City of El Paso, the El Paso International Airport, the El Paso County Transit Agency, and the Sun Metro Mass Transit Department. If these entities were to vote in unison, they would comprise 36.6% (11 out of 30) of the voting members of the Transportation Policy Board. Specifically:

El Paso County: According to the Transportation Policy Board bylaws, El Paso County, TX receives two representatives on the Transportation Policy Board while Dona Ana County, NM receives one representative. In total, only three of the 30 voting Transportation Policy Board members represent counties.¹⁰⁰

El Paso County comprises 6.6% (two out of 30) of the voting members of the Transportation Policy Board.

City of El Paso. According to the Transportation Policy Board bylaws, one representative is allowed from each member city, except El Paso, which receives six representatives. In total, 14 of the 30 voting members represent cities/towns.¹⁰¹

In addition, the Transportation Policy Board's bylaws stipulate that, "the City of El Paso's representation on the Transportation Policy Board shall be equal to the number of incorporated Texas municipalities, cities, towns, or villages within the urbanized study area who have representation on the Transportation Policy Board."¹⁰²

The City of El Paso comprises 20% (six out of 30) of the voting members of the Transportation Policy Board.

Decision-Making Process. According to the Transportation Policy Board bylaws, “a quorum shall consist of sixteen (16) voting members.” Issues taken into consideration are passed by a simple majority (51%) vote. This also applies to any revisions or amendments proposed to be made to the bylaws. These changes can be made at any regular meeting of the Transportation Policy Board, after at least a ten-day written notice to the voting membership.¹⁰³

In an interview, the director of the El Paso MPO confirmed that the decision-making process for which transportation projects are selected by their Transportation Policy Board occurs “organically.”¹⁰⁴ Factors in this process include, but are not limited to, the following: federal requirements, input from state and local transportation partners, public feedback, statistical transportation forecasting, creation of evaluation criteria, and any transportation needs unique to their respective region.

Intergovernmental Relations. The El Paso MPO notes that it primarily maintains its relationship with El Paso County and the City of El Paso through member representation from both jurisdictions on its policy board and various committees.¹⁰⁵

The El Paso MPO has one committee, with representation from El Paso County and the City of El Paso as follows:

- **Transportation Project Advisory Committee:** Bylaws stipulate a total of 16 voting members. Bylaws do not include specific representation categories for city and county members. However, both El Paso County and the City of El Paso are each allocated one representative.¹⁰⁶

The Analyst’s Office surveyed transportation officials from El Paso County and the City of El Paso to gauge their relationship with the El Paso MPO. **Table 8** summarizes their responses.

Table 8 El Paso County and City of El Paso Survey Responses ^{xiii}	
Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.	
El Paso County	Disagree
City of El Paso	Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.	
El Paso County	Strongly Agree
City of El Paso	Agree
Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.	
El Paso County	Strongly Agree
City of El Paso	Agree
Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.	
El Paso County	Agree
City of El Paso	Agree
Your TPC, and by extension, the MPO, meets the needs of its different members equitably.	
El Paso County	Neither Agree nor Disagree
City of El Paso	Agree

LAWS/REGULATIONS/ALTERNATIVES

The County Attorney's Office (CAO) provided the legal opinion on the state and federal law governing MPOs to determine potential options for increasing the County's influence on the Transportation Policy Council (TPC), as well as potential alternatives to TPC membership that may better serve the County's interests. The County Attorney's Office stated the following:

What options exist for increasing the County's influence on the Transportation Policy Council (TPC)?

^{xiii} Respondents: City of El Paso – Yvette Hernandez, Director, Capital Improvement Department (CID) Grant Funded Programs (6/20/21); El Paso County – Jose Landeros, Director, Planning/Development (6/11/21)

The TPC bylaws could theoretically be amended to confer more voting power to Harris County; however, the TPC bylaws can be amended only by a two-thirds majority vote. Harris County currently has only 7% of total membership voting compared to the 66% needed to amend.

Are there any potential alternatives to TPC membership that may better serve the County's interests?

There are few, if any, alternatives that would better serve the County's interests. Withdrawal as a member would deprive the County of an opportunity to participate in decision-making for federal funding since the TPC is authorized by statute to identify projects eligible for federal funds. There is a procedure for redesignation of a metropolitan planning organization (MPO), but it requires an agreement by the Governor and H-GAC, which is unlikely to be obtained.

Federal code permits the creation of more than one MPO within an existing metropolitan planning area, but only if the Governor and the existing MPO determine that the size and complexity of the existing metropolitan planning area make designation of more than one MPO appropriate. It is unlikely that the Governor and H-GAC would be persuaded that two MPOs in the same metropolitan planning area would be beneficial to the region.

Please refer to **Appendix D** for the entirety of the CAO's memo.

LEVERAGE

Content in this section is provided by Harris County's Intergovernmental and Global Affairs (IGA) department in response to the request to "identify/examine any other options or points of leverage that the County could pursue to increase its influence on the decision-making process of the MPO."

With regards to the question on identifying/examining any other options or points of leverage that the County could pursue to increase its influence on the decision-making process of the MPO, IGA recommends utilizing Harris County's multiple stakeholders to engage, advocate, and leverage its influence in the decision-making process. Engagement with multiple stakeholders should include advocating for Harris County's interest with the objective of promoting support for the County's priorities, as well as securing stakeholder partnerships on shared interests that allow for joint strategies throughout the decision-making process of the MPO.

The following are the key stakeholder groups that IGA recommends should be targeted to collaborate or engage with for this purpose:

1. Legislators: work with Harris County federal and state delegation members.
2. Transportation Community Groups: which can include transportation business associations, transportation think tanks, or transportation advocacy groups.

3. City of Houston: work with the City to identify issues of shared interest and engage together, to leverage the joint partnership.
4. Business Community at Large: collaborate with broader business chambers or organizations within Harris County and leverage the transportation impact to their sectors, to identify opportunities to work in partnership and develop joint strategies.

The strategy should focus on strengthening the County's relationships with key stakeholders by building close personal contacts between group representatives and county staff or elected officials, or a combination of both, with the objective to foster trust and credibility. This relationship strengthening process can be essential to the proposed strategy.¹⁰⁷ **Appendix E** provides a list of organizations that can be engaged as part of this process and that IGA believes would be valuable.

APPENDIX A

Metropolitan Planning Organization (MPO) Survey

The Harris County Commissioners Court's Analyst's Office is a relatively new County department tasked with conducting nonpartisan policy research and analysis at the request of the members of the Harris County Commissioners Court.

At the request of Harris County Precinct One, the Analyst's Office is conducting a study examining the relationship various jurisdictions throughout Texas have with their respective Metropolitan Planning Organization (MPO). This survey is comprised of 8 questions and should take no more than 5 minutes to complete.

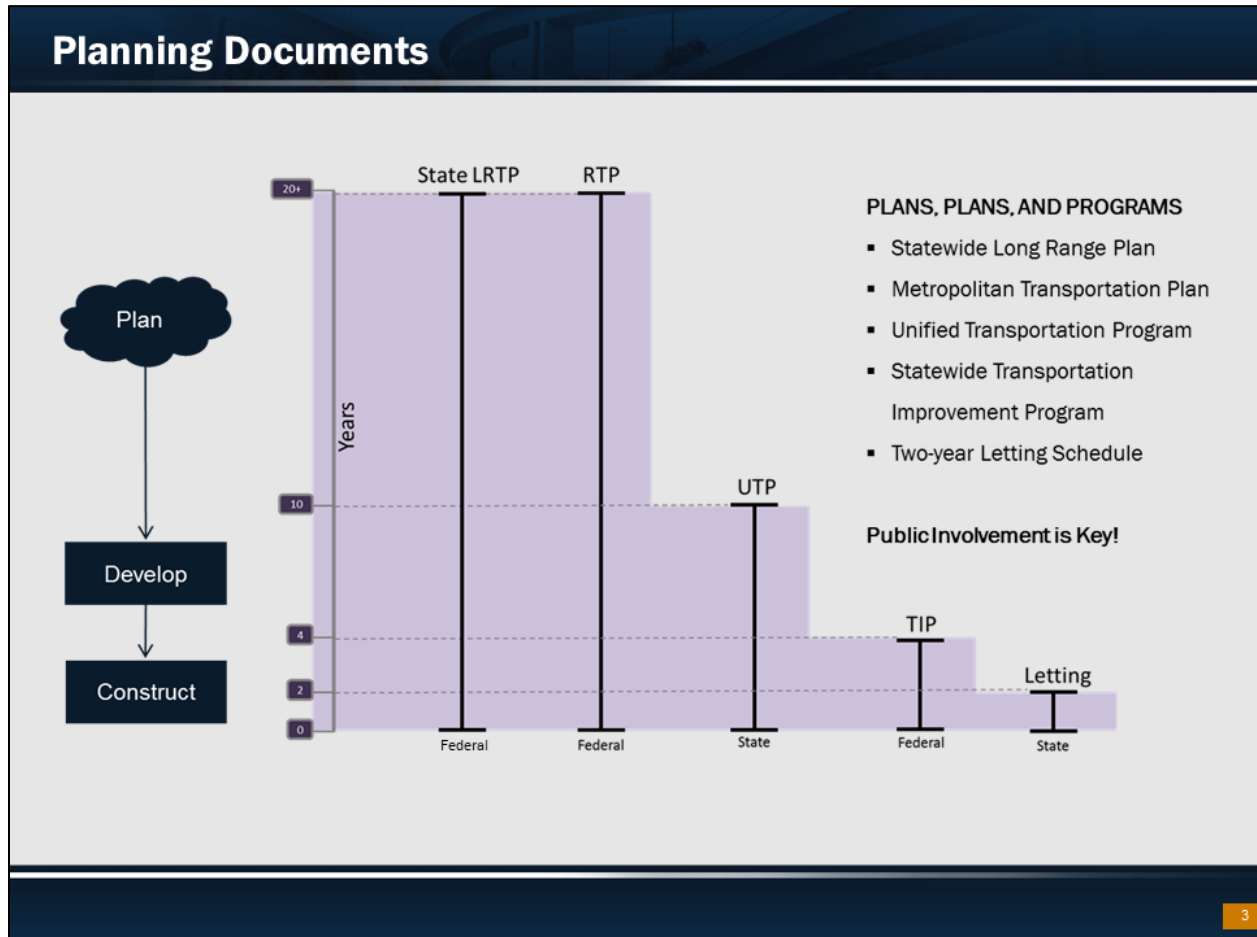
Your participation and feedback is very important and will be of great value to this effort. If you or your colleagues would prefer to talk through these questions with a member of the Analyst's Office, please do not hesitate to contact Ramin Naderi at Ramin.Naderi@ccao.hctx.net or via phone at (832) 314-6390.

Thank you, in advance, for your time and attention to this request!

1. Can you please provide the following: Your Name, Position, Organization, Length of Tenure in Current Position.
2. How many representatives of your organization sit on your Metropolitan Planning Organizations (MPOs) Transportation Policy Council (TPC)?
(0), (1), (2), (3), (More than 3), (Not Applicable)
3. How many of your MPO's subcommittees does your organization have representation on?
(0), (1), (2), (3), (Not Applicable)
4. Please rate the following statement: Outside of membership on your MPO's TPC and subcommittees, there are opportunities for your jurisdiction to provide input to your MPO.
(Strongly Agree), (Agree), (Neither Agree nor Disagree), (Disagree), (Strongly Disagree)
5. Please rate the following statement: Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its short-term planning.
(Strongly Agree), (Agree), (Neither Agree nor Disagree), (Disagree), (Strongly Disagree)
6. Please rate the following statement: Your TPC, and by extension, the MPO, incorporates the needs of your jurisdiction in its long-term planning.
(Strongly Agree), (Agree), (Neither Agree nor Disagree), (Disagree), (Strongly Disagree)
7. Please rate the following statement: Your TPC, and by extension, the MPO, meets the overall transportation needs of your jurisdiction.
(Strongly Agree), (Agree), (Neither Agree nor Disagree), (Disagree), (Strongly Disagree)
8. Please rate the following statement: Your TPC, and by extension, the MPO, meets the needs of its different members equitably.
(Strongly Agree), (Agree), (Neither Agree nor Disagree), (Disagree), (Strongly Disagree)

APPENDIX B

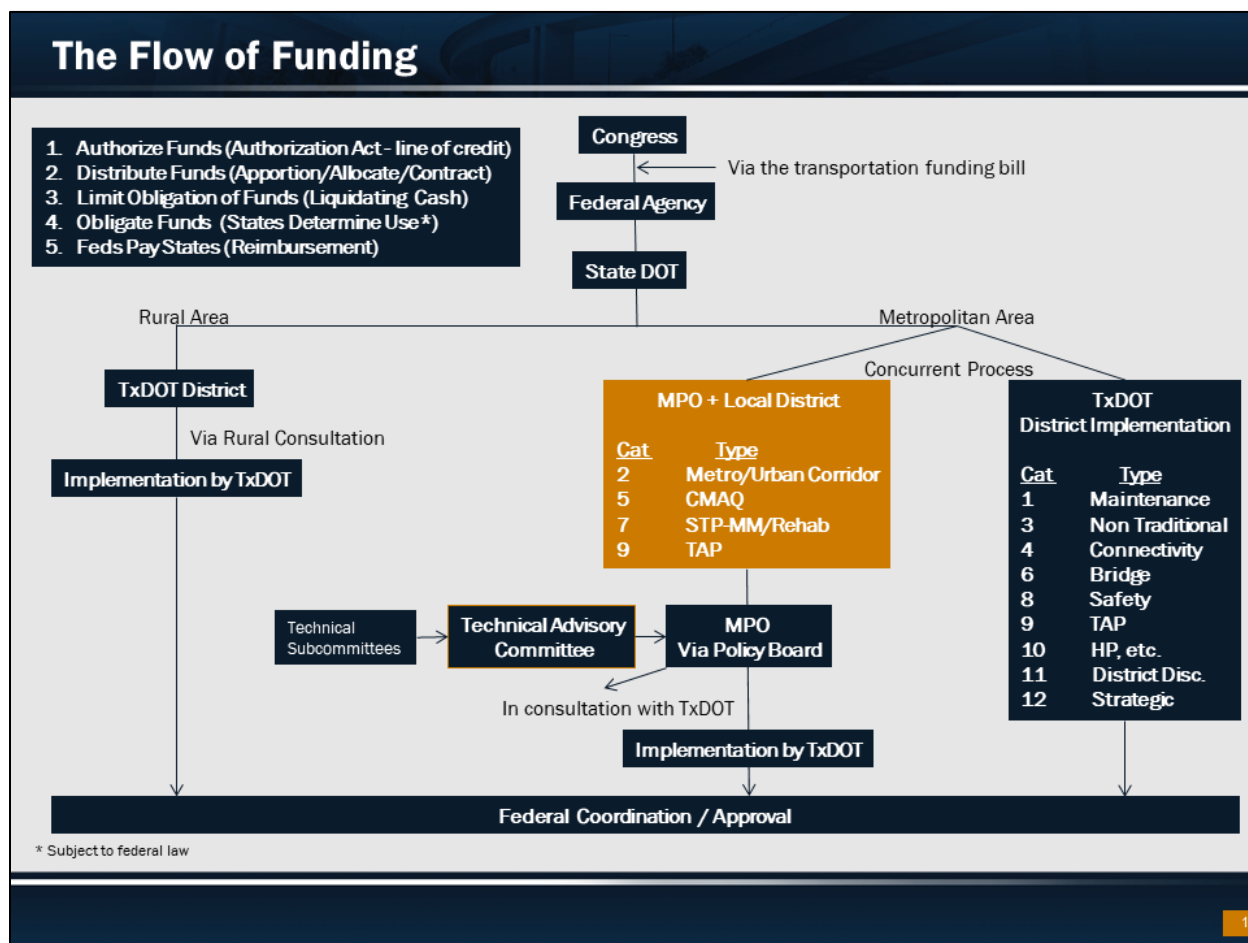
Appendix B provides a visual representation of the major Metropolitan Planning Organization (MPO) planning documents and associated timeframes, provided by the Texas Department of Transportation (TxDOT).



Source: Texas Department of Transportation

APPENDIX C

Appendix C provides a comprehensive breakdown of Metropolitan Planning Organization (MPO) funding, including which of the 12 Unified Transportation Program (UTP) funding categories are associated with MPOs.



Source: Texas Department of Transportation

APPENDIX D



OFFICE OF THE
HARRIS COUNTY ATTORNEY
CHRISTIAN D. MENEFEE

MEMO

To: Amber Weed, Chief of Staff and Policy Analyst, Harris County
Commissioners Court Analyst's Office

Cc: Jay Aiyer; Christy Gilbert; DeAnne Lin

From: Nick Turner and Tommy Ramsey

Date: July 14, 2021

Subject: Harris County's authority within the Houston-Galveston Area
Council

Issues Presented

- (1) What options exist for increasing the County's influence on the Transportation Policy Council (TPC)?

The TPC bylaws could theoretically be amended to confer more voting power to Harris County; however, the TPC bylaws can be amended only by a two-thirds majority vote. Harris County currently has only 7% of total membership voting compared to the 66% needed to amend.

- (2) Are there any potential alternatives to TPC membership that may better serve the County's interests?

There are few, if any, alternatives that would better serve the County's interests. Withdrawal as a member would deprive the County of an opportunity to participate in decision-making for federal funding since the TPC is authorized by statute to identify projects eligible for federal funds. There is a procedure for redesignation of a metropolitan planning organization (MPO), but it requires an agreement by the Governor and H-GAC, which is unlikely to be obtained.

Discussion

Under federal law, metropolitan planning organizations (MPOs) "shall be designated ... by agreement between the Governor and units of general purpose local government that

together represent at least 75 percent of the affected population” or in accordance with procedures established by applicable state or local law. *See* 23 U.S.C. § 134(d)(1).

The purpose of MPOs is to develop long-range plans and improvements programs for transportation systems within their region. *See* 23 U.S.C. § 134(c)(1). This includes assisting in selecting and prioritizing transportation projects that will receive federal funding pursuant to the Federal Act. *See* 23 U.S.C. § 134(d) (MPOs must be designated to “carry out the transportation planning process” required to receive federal funds). MPOs are required to create priority lists of proposed federally supported projects and determine, in consultation with the State, which projects from the priority list will be funded by federal money. *Id.* § 134(j)(2)(A), (k)(4)(A).

The “metropolitan planning area” is the geographic area determined by agreement between the MPO for the area and the Governor. 23 U.S.C. § 134(b)(1). Each metropolitan planning area shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan. 23 U.S.C. § 134(e)(2).

An MPO may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75% of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census). More than one MPO may be designated within an existing metropolitan planning area only if the Governor and the existing MPO determine that the size and complexity of the existing metropolitan planning area make designation of more than one MPO for the area appropriate. 23 U.S.C. § 134(d)(6).

As commentators have noted MPOs power lies in their authority to designate the projects for which large portions of federal funding will be used. Jerett Yan, *Rousing the Sleeping Giant: Administrative Enforcement of Title VI and New Routes to Equity in Transit Planning*, 101 CAL. L. REV. 1131, 1151 n.105 (2013) (citing See Sheldon Edner & Bruce D. McDowell, *Surface-Transportation Funding in a New Century: Assessing One Slice of the Federal Marble Cake*, 32 Publius: J. Federalism, Winter 2002, at 7, 15-16). The state of Texas has designated Metropolitan Planning Organizations for urban areas so that transportation projects in urban areas will be eligible for federal funds. Tex. Atty. Gen. Op. LO-90-91 (1990) (citing generally, Sierra Club v. Austin Transportation Study Policy Advisory Committee, 746 S.W.2d 298 (Tex.Ct.App.—Austin 1988, writ denied); Atlanta Coalition On the Transportation Crisis, Inc. v. Atlanta Regional Commission, 599 F.2d 1333 (5th Cir.1979)).

The Houston-Galveston Area Council (H-GAC) is the metropolitan planning organization for local governments for the 8-county region that includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties. H-GAC’s MPO policy board is the Transportation Policy Council (TPC), which is an independent policy-making body. The TPC’s responsibilities include adopting the Regional Transportation Plan and selecting all federally funded and most state-funded transportation projects.

Withdrawal from H-GAC & TPC

Membership in H-GAC is voluntary. Its by-laws specifically allow any member to withdraw membership by action of the governing body. However, considering the

importance of the TPC in designating eligible projects for federal funding, withdrawal isn't a logical option. Harris County should be a participating member of H-GAC and TPC to represent and protect the interests of its constituents.

Control of the Transportation Policy Council

The TPC serves as the Policy Board for the MPO identified in the Governor's MPO designation. Because of its policy-making authority, Harris County can only gain influence over transportation planning in the Houston-Galveston region by increasing its voting power within the TPC. The TPC bylaws limit the number of voting members on the Council to 28. The bylaws may be amended by a two-thirds majority vote of the TPC members in attendance wherein an official quorum is present. A quorum is 51% of the total Council voting membership. Thus, if all voting members are present, 19 votes would be required to amend the bylaws. If only a quorum were present (19 members), the bylaws could be amended with 13 votes.

Harris County has two votes on the TPC. The City of Houston and the Metropolitan Transit Authority (Metro) would seem to be the County's natural allies on TPC. The City of Houston has three votes, and Metro has one vote. Setting aside the question of whether the City of Houston and Metro would be willing to allow Harris County to assume voting control of the TPC or whether an alliance could be formed to share control, it is extremely unlikely that any of the other voting members would sacrifice their authority over regional planning in favor of Harris County. After all, the TPC designates projects eligible for federal funding and all interested parties can be expected to have a self-interest in those funds being allocated to their own communities. Consequently, the prospect of Harris County taking voting control of the TPC through an amendment to the TPC by-laws is probably not feasible.

It must also be noted that redesignation of an MPO is required whenever an existing MPO proposes to make a substantial change in the proportion of voting members representing the largest incorporated city, or a substantial change in the decision making procedure established under MPO by-laws. 23 C.F.R. § 450.310(j). Therefore, assuming Harris County could muster enough votes to successfully amend the TPC by-laws, it may also have to meet the requirements for redesignation of the MPO (see below).

Redesignation of the MPO

A second consideration is for the current H-GAC to be redesignated as two MPOs that could allow Harris County greater influence for projects within the boundaries of the county. 23 U.S.C. § 134(d)(6) provides a method for redesignation of an MPO "by agreement between the Governor and units of general purpose local government that together represent at least 75% of the existing planning area population..." *See also* 23 C.F.R. § 450.310(k). In addition, 23 U.S.C. § 134(d)(7) permits the creation of more than one MPO within an existing metropolitan planning area, but only if the Governor and the existing MPO determine that the size and complexity of the existing metropolitan planning area make designation of more than one MPO appropriate. In addition, 23 C.F.R. § 450.310(e) provides that where two or more MPOs serve the same urbanized area, the MPOs "shall establish official, written agreements that clearly identify areas of coordination, and the division of transportation planning responsibilities among the MPOs." *See also* 23 U.S.C. § 134(g)(1)(If more than one MPO has authority within a

metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each MPO is required to consult with the other MPOs designated for such area and the State in the coordination of plans.).

It is unlikely that the Governor and H-GAC would be persuaded that two MPOs in the same metropolitan planning area would be beneficial to the region. Whether designation of two MPOs in the Houston/Galveston region would actually allow Harris County more autonomy over projects within the county would depend on how transportation planning responsibilities were divided through the agreement between the MPOs.

APPENDIX E

LIST OF IGA-SUGGESTED PARTNER ORGANIZATIONS	
Organization	Policy Area
Air Alliance Houston	Transportation/Environment
Baker Ripley	COVID-19 relief
Catholic Charities	COVID-19 relief
CEER	Environment, Flooding
Coalition for the Homeless	Housing/Homelessness
Covenant House	Juvenile Justice/Homelessness
Environmental Defense Fund	Environment
First 3 Years	Early Childhood
Grassroots Leadership	Criminal Justice
Greater Houston Community Foundation	COVID-19 relief
HOME Coalition	Housing
Houston Area Urban League	
Houston Immigration Legal Services Collaborative (HILSC)	Immigration
Houston PetSet	Animal Welfare
Houston Volunteer Lawyers	Housing
Kinder Institute	Housing
LINK Houston	Transportation
Lone Star Legal Aid	Housing
Sankofa Research Institute	Juvenile Justice
SEIU Texas	Economic Opportunity
Texas Appleseed	Juvenile Justice
Texas Civil Rights Project	Voting and Elections
Texas Fair Defense	Criminal Justice
Texas Housers	Housing
Texas Organizing Project	Criminal Justice
Texas Policy Lab	Juvenile Justice/Early Childhood
Workers Defense Project	Economic Opportunity / Workers Issues

The Harris County Commissioners Court's Analyst's Office provides the Harris County Commissioners Court members with objective, nonpartisan, and timely fiscal and policy analysis related to the efficiency and effectiveness of various County operations.

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ENDNOTES

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⁹⁹ MPO Database—Transportation Planning Capacity Building Program. (n.d.). Retrieved June 16, 2021, from <https://www.planning.dot.gov/mpo/>

¹⁰⁰ Bylaws and Procedures, El Paso MPO Transportation Policy Board. Retrieved June 16, 2021 from <https://www.elpasompo.org/media/TransportationPolicyBoard/Bylaws%20Amendments%20April%2017%202020.pdf>

¹⁰¹ Bylaws and Procedures, El Paso MPO Transportation Policy Board. Retrieved June 16, 2021 from <https://www.elpasompo.org/media/TransportationPolicyBoard/Bylaws%20Amendments%20April%2017%202020.pdf>

¹⁰² Bylaws and Procedures, El Paso MPO Transportation Policy Board. Retrieved June 16, 2021 from <https://www.elpasompo.org/media/TransportationPolicyBoard/Bylaws%20Amendments%20April%2017%202020.pdf>

¹⁰³ Bylaws and Procedures, El Paso MPO Transportation Policy Board. Retrieved June 16, 2021 from <https://www.elpasompo.org/media/TransportationPolicyBoard/Bylaws%20Amendments%20April%2017%202020.pdf>

¹⁰⁴ Analyst's Office 6.11.2021 Interview with Eduardo Calvo, Director of the El Paso MPO.

¹⁰⁵ Analyst's Office 6.11.2021 Interview with Eduardo Calvo, Director of the El Paso MPO.

¹⁰⁶ Bylaws and Procedures, El Paso MPO Transportation Policy Board. Retrieved June 16, 2021 from <https://www.elpasompo.org/media/TransportationPolicyBoard/Bylaws%20Amendments%20April%2017%202020.pdf>

¹⁰⁷ Email communication received from Tammy Narvaez, Deputy Director, Harris County Intergovernmental and Global Affairs on 6.18.2021.